USTELECOM | THE BROADBAND ASSOCIATION

March 9, 2022

Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
Advanced Methods to Target and Eliminate Unlawful Robocalls
CG Docket No. 17-59

Dear Ms. Dortch:

On March 7, 2022, Linda Vandeloop and Sekar Ganesan of AT&T, Phil Linse of Lumen, Chris Oatway and Lulia Barakat of Verizon, and the undersigned of USTelecom – The Broadband Association ("USTelecom") met virtually with Jerusha Burnett, Kristi Thornton, and Karen Schroeder of the Consumer and Governmental Affairs Bureau and Jesse Goodwin of the Wireline Competition Bureau to discuss the Commission's Sixth Further Notice of Proposed Rulemaking in the above-referenced proceeding.[1] Specifically, we provided an update on the parallel efforts in the IP-NNI Task Force regarding operationalizing an enhanced SIP Code 603 and SIP Codes 607/608. Consistent with USTelecom comments and reply comments in the docket and as described further herein, we explained that for many providers, it will be much quicker to deploy an enhanced 603, sometimes referred to as 603+, than SIP Codes 607/608, and that the 603+ approach offers several other benefits beyond a shorter deployment timeline.[2]

In this regard, we expressed our strong agreement with the comments of Richard Shockey, Principal of Shockey Consulting LLC, who suggested that "SIP 603 can, with some modest enhancements, completely fulfill the role that the Commission requires without overly burdening telephone companies with technical standards that will be extremely difficult to implement."[3] As currently contemplated, the SIP Code 603+ response would include information in the header that clearly indicates that the call was blocked and by whom. In contrast to the development of SIP Code 603+, "there will need to be substantial work to develop 607 or 608 as a technical profile, which indicates … that neither code is viable in the near term."[4] Indeed, even beyond the complexity of the jCard that threatens the viability of the

[1] *Advanced Methods to Target and Eliminate Unlawful Robocalls – Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association*, CG Docket No. 17-59, FCC 21-126 (rel. Dec. 14, 2021) ("*Sixth FNPRM*").

[2] Comments of USTelecom – The Broadband Association, CG Docket No. 17-59 (filed Jan. 31, 2022) ("USTelecom Comments"); Reply Comments of USTelecom – The Broadband Association, CG Docket No. 17-59 (filed Feb. 14, 2022) ("USTelecom Reply Comments").

[3] Reply Comments of Shockey Consulting LLC, CG Docket No. 17-59, at 2 (filed Feb. 14, 2022) ("Shockey Reply Comments").

[4] Shockey Reply Comments at 3-4.

original contemplation of SIP Code 608 in the first instance,[5] it's unclear what is expected of SIP Code 607 in light of the Commission's clarification that notification is only required for analytics-based blocking.[6] This continued confusion threatens progress on standards development, as well as potential disappointment if the Commission's requirement does not ultimately track the calling community's expectation.

SIP Code 603+ is a better approach for several reasons. First, USTelecom members have confirmed that their expected timelines to achieve ubiquitous network-wide implementation of 607 or 608 would take multiple years after those codes have been standardized. Although precise deployment timelines may vary by network equipment and provider,[7] USTelecom members uniformly report that it will them far less time to deploy an enhanced SIP Code 603 than to deploy SIP Codes 607 and/or 608. Moreover, networks already are configured to accept SIP Code 603 responses. This means that callers will benefit from 603 and 603+ response messages incrementally before SIP Code 603+ is ubiquitously deployed. In this regard, we are aware that AT&T's SIP Code 603 response that includes that AT&T blocked the call in the reason header has successfully been transmitted end-to-end in some contexts. In addition, callers will continue to receive SIP Code 603s for all analytics-based blocking as carriers work to standardize, operationalize and deploy SIP Code 603+. In contrast, even where a terminating provider sends a SIP Code 608 for analytics-based blocking, it may be lost at high quantities when passed from provider to provider and provider to origination point until sufficient numbers of network elements are upgraded.

Beyond the shorter timeline, SIP Code 603+ offers other critical benefits. Without any explanation whatsoever in the record, advocates of 607/608 have suggested that the additional information in the 603+ header may not be useable by all calling parties.[8] These advocates appear to presume that 607/608 responses will only be sent by terminating providers and without the jCard or a substitute that indicates who blocked the call; otherwise, the same exact issue would apply to their ability to use that information with 607/608 responses.[9] A critical benefit of SIP Code 603+ relative to SIP Code 608 is that it is far more future-proof. Providers are under increasing pressure to block calls in transit rather than focus the bulk of blocking at the

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[5] *Id.* ("I have substantial questions whether RFC 8688 [608] can be implemented at all. Its requirements for encryption and use of the jCard are both complex and, in my professional opinion very burdensome to implement and would require a new Public Key Infrastructure (PKI) and governance structure. This would be similar to the standards work that was necessary to develop the STIR/SHAKEN protocol.").

[6] *See id.* at 4; USTelecom Comments at 3 n.10; USTelecom Reply Comments at 6-8.

[7] *See* VON/INCOMPAS/CCA Ex Parte at 1-2 (observing differences in service provider SIP Code 607/608 deployment timelines). The differences among carriers in the time it will take to deploy SIP Codes 607 or 608 are due largely to the fact that each service provider's network is comprised of different types of elements, the diversity of which has project management implications. Some network equipment can be upgraded quickly or may even already pass those codes; other equipment would entail extensive vendor development work followed by significant service provider implementation activities before they transmit the new codes.

[8] *See* Notice of Ex Parte Presentation of Voice on the Net Coalition et al., CG Docket No. 17-59, at 1 (filed Mar. 1, 2022) ("VON/INCOMPAS/CCA Ex Parte").

[9] They also appear to ignore the fact that 607/608 may not be usable by all calling parties without equipment upgrades.

termination point.[10] SIP Code 608, without the unrealizable jCard, will not indicate by itself who blocked the call. Accordingly, callers will need to do a lookup of the number they called to try to determine who blocked the call and SIP Code 608's use would need to be restricted to blocking by terminating providers to ensure it is actionable. Then, as intermediate providers more aggressively block calls in response to changing expectations, callers likely will return to the Commission advocating for a change to the SIP Code 608 requirement to include information about who blocked the call – just as USTelecom now proposes for SIP Code 603 – or for another new mechanism to indicate blocking by an intermediate provider. SIP Code 603+ would not have this flaw, as it would indicate who blocked the call, regardless of where that provider blocked it in transit.

For the reasons above, the Commission should move quickly to require SIP Code 603+, providing the industry with the certainty needed to fully operationalize it and begin to deploy it across the network.[11]

Please contact the undersigned if you have any questions.

Sincerely,

/s Joshua M. Bercu/
Joshua M. Bercu
Vice President, Policy & Advocacy, USTelecom

cc: Jerusha Burnett
Jesse Goodwin
Jonathan Lechter
Karen Schroeder

[10] *See, e.g., Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, CG Docket No. 17-59, WC Docket No. 17-97, FCC 21-105 ¶ 66 (rel. Oct. 1, 2021) (proposing to require gateway providers to block calls based on reasonable analytics).

[11] The *Sixth FNPRM* explicitly asks if SIP Code 603 requires additional modifications to meet callers' needs, *Sixth FNPRM* ¶ 44, and the record includes significant and meaningful comment from interested parties on the issue. *See, e.g.,* USTelecom Comments at 3; Shockey Reply Comments at 5; Reply Comments of Verizon, CG Docket No. 17-59, at 4-5 (filed Feb. 14, 2022); VON/INCOMPAS/CCA Ex Parte at 1; Comments of American Bankers Association et al., CG Docket No. 17-59, at 7-8 (filed Jan. 31, 2022); Reply Comments of TCN Inc., CG Docket No. 17-59, at 5-6 (filed Feb. 14, 2022). Accordingly, there is no bar to the Commission moving forward with an enhanced SIP Code 603 requirement at this time. *See, e.g., Honeywell International, Inc. v. EPA*, 372 F.3d 441, 445 (D.C. Cir. 2004) (a notice of proposed rulemaking must "provide sufficient factual detail and rationale for the rule to permit interested parties to comment meaningfully") (internal quotations omitted); *see also Agape Church, Inc. v. FCC*, 738 F.3d 397, 411 (D.C. Cir. 2013) (an agency's final rule "need not be the one proposed in the NPRM," but rather "'need only be a logical outgrowth of its notice'") (quoting *Covad Communs. Co. v. FCC*, 450 F.3d 528, 548 (D.C. Cir. 2006)).